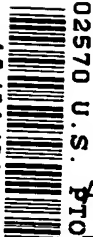


10/08/03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Richard S. Ginn
Title : Apparatus and Methods for Reducing Lung Volume

Docket No. : 704117.4004

Customer No. : 34313

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

17548 U.S. PTO
10/682458



UTILITY PATENT APPLICATION TRANSMITTAL

1. Type of Application
This new application is for a(n)
☒ Original (non provisional)
☐ Design
☐ Plant
2. ☒ Applicant claims small entity status. See 37 CFR 1.27
3. ☒ Specification, including Description, Claims and Abstract (Total Page: 43)
4. ☒ Formal Drawing(s) (35 USC 113) (Total sheets 12)
5. Oath or Declaration
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)
 - i. ☐ Deletion of Inventors (Signed statement attached deleting inventors(s) named in the prior application.) See 37 CFR 1.63(d)(2) and 133 (b).
6. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

CERTIFICATE OF MAILING
37 CFR §1.10

Date: October 8, 2003
Express Mailing Label No.: EV 339738413 US

I hereby certify that on the dated listed above, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in accordance with 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee," with sufficient postage in an envelope addressed to: Mail Stop Patent Application, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lynne Fulmer
Lynne Fulmer

Applicant : Richard S. Ginn
Docket No. : 704117.4004

7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if application, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement verifying identity of above copies
8. ☐ An assignment of the invention to _____
☐ is attached. A separate ☐ "COVERSHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.
☐ will follow.
9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) (Power of Attorney by Assignee)
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure Statement/PTO 1449 (or PTO/SB/08a)
☐ Copies of citations
12. ☒ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
15. ☐ Non-publication Request under 35 USC 122 (b)(2)(B)(i) (Applicant must attach form PTO/SB/35 or its equivalent)
16. ☐ Other

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application no.

This application is a continuation of co-pending application serial no. 09/931,681, filed August 15, 2001. The priority of this prior application is expressly claimed, and the disclosure of the prior application is hereby incorporated by reference in its entirety.

Prior application information:

Examiner: Lee S. Cohen Group Art Unit: 3739

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Applicant : Richard S. Ginn
Docket No. : 704117.4004

18. Fee Calculation: TOTAL AMOUNT OF PAYMENT: \$375.00
- A. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to Deposit Account No. 15-0665.
- ☒ Charge any additional fee required under 37 CFR 1.16 and 1.17 to Deposit Account No. 15-0665.
- B. ☐ Payment Enclosed
- ☐ Check ☐ Credit Card ☐ Money Order ☐ Other

| | | | | | | |
|--|--------------------------|-----------------|--------------------------|---|-----------|-----------------|
| BASIC FILING FEE: | | | | | | \$750.00 |
| Total Claims | 11 | - | 20 | = | x \$18.00 | \$0.00 |
| Independent Claims | 3 | - | 3 | = | x \$84.00 | \$0.00 |
| Multiple Dependent Claims | \$280 | (if applicable) | <input type="checkbox"/> | | | \$ 0.00 |
| TOTAL OF ABOVE CALCULATIONS | | | | | | \$750.00 |
| Reduction by 1/2 for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. | | | | | | |
| <input checked="" type="checkbox"/> | | | | | | \$375.00 |
| Assignment -- \$40 (if applicable) | <input type="checkbox"/> | | | | | \$0.00 |
| TOTAL FEES SUBMITTED | | | | | | \$375.00 |

- C. This application is being filed without fee or Declaration under 37 CFR §1.53.

20. Correspondence Address
- ☒ Customer Number. 34313

Respectfully submitted,

Dated: October 6, 2003


James W. Geriak, Registration No. 20,233

ORRICK, HERRINGTON & SUTCLIFFE LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Telephone: (949) 567-6700
Facsimile: (949) 567-6710